

French Broad Hustler

and
Western Carolina Democrat

VOL XXIII, NO 12

HENDERSONVILLE, N. C. THURSDAY MARCH 30, 1916

1.00 PER YEAR, IN ADVANCE

CALLS FOR NEW REGISTRATION

COUNTY DEMOCRATIC EXECUTIVE
COMMITTEE HOLD BUSY SES-
SION AT COURT HOUSE.

TO SELECT JUDGES, ETC.

Meeting Held by Attorney General in
Senatorial Race; Chairman Oates
Makes Request.

A meeting of the county Democratic executive committee was held at the court house Saturday at which a quorum of the precinct chairmen were present. Matters pertaining to the new state primary law were discussed and the various county and state conventions were announced by Chairman R. M. Oates.

The county precinct meeting are to be held April 15.

The county convention will be held at the court house April 22.

The state convention is to be held April 27.

On April 15 the county board of elections will meet in the court house and organize and appoint registrars and judges throughout the county. The registrars' books will open April 27 and close May 20 for the purpose of transferring all former registered voters and receive any new ones.

A ruling received from the Attorney General of North Carolina in reference to the Senatorial race was to the effect that there is an understanding for any particular county to furnish the candidate, that that county alone would be allowed to vote on the nomination of the candidate. This makes it clear that Henderson county Democrats alone will vote on the Senatorial nomination of Henderson county candidates.

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J. KERSHAW, JR. PASSES AWAY

PROMISING YOUNG MINISTER DIES
SUDDENLY HERE MONDAY
AFTERNOON.

OF PROMINENT FAMILY

Made Many Friends While in Hendersonville; Was a Member of The Hustler Staff.

Rev. John Kershaw, Jr., died suddenly at his home on Justus street, Monday afternoon between 2 and 3 o'clock. He is survived by his wife and a number of relatives.

Mr. Kershaw came here about five years ago to regain his health after having served a number of years in the Episcopal ministry in various parts of South Carolina. He later built a home here and became a prominent citizen of Hendersonville. For the past year he has contributed liberally to the columns of The French Broad Hustler.

Mr. Kershaw was a writer of marked ability and during his life contributed valuable articles to newspapers and magazines throughout the country. While living here Mr. Kershaw took a keen interest in the welfare of the city and has from time to time suggested many things which have been a benefit to the city.

Mr. and Mrs. Kershaw have made many friends since residing in Hendersonville. A large number have called upon the grief stricken wife in her sad hour of bereavement. Many floral designs have been sent showing the high esteem the deceased was held among his fellow citizens.

A short service was held at the residence Wednesday morning after which the body accompanied by Mrs. Kershaw and Dr. Theodore G. Kershaw, a brother from Augusta, Ga., was shipped to Camden, S. C., where the funeral and interment will be made Thursday.

The Columbia State contained an interesting account of the life and history of the deceased and is reproduced in full below:

The Rev. John Kershaw, Jr., son of the Rev. John Kershaw, D. D., rector for more than 25 years of St. Michael's, Charleston, and grandson of Gen. Joseph B. Kershaw, C. S. A., died suddenly yesterday in Hendersonville, N. C., where he had lived since ill health made necessary his retirement from the active ministry of the Episcopal church. Mr. Kershaw's mother was at the time accompanying to Charleston his brother, Wilmot DeSaussure Kershaw, who had been a patient for some time in the State tuberculosis sanatorium near Columbia. A dispatch from Hendersonville says that the funeral arrangements will be made upon the arrival in Hendersonville today of relatives summoned from Charleston. The interment will be in Camden. Mrs. Kershaw was with her husband when he passed away.

Student in Columbia. John Kershaw was a student at the University of South Carolina about 1902 and was educated for the ministry at the University of the South, Sewanee, Tenn. His first pastoral work was at Summerton in Clarendon county, this State. After several years there he went to Greenville and was very successful in developing several missions, which were affiliated with Christ church. His health breaking down, Mr. Kershaw went West and spent some time in Arizona. Four or five years ago he bought a home in Hendersonville, but had never sufficiently recovered to resume ministerial work.

Nature study had been a hobby with Mr. Kershaw and during the period of his invalidism he made a special study of ornithology. A natural talent for graceful expression enabled him to reduce his observations into a series of readable and scientifically valuable articles on bird life. His pen had been usefully employed on the local press in Hendersonville. His impairment in health lost to the church one of the most promising of its younger priests.

Besides his wife, who was formerly Miss Helen Tindal, daughter of the late Hon. E. A. Tindal of Summerton, Mr. Kershaw is survived by his parents, several sisters and two brothers, Wilmot DeSaussure Kershaw of Charleston and Theodore Gourdlin Kershaw, M. D., of North Augusta. Mrs. Leonard T. Baker of Columbia is his first cousin.

Family Distinguished. John Kershaw came of a line of patriotic Americans, the first of whom, Joseph, a native of Yorkshire, came to this country in 1750 and served as a colonel on the side of the colonists in the War of the Revolution. His great grandfather, John Kershaw, who was a member of congress, 1812-14, married a daughter of Isaac DaSoue, a son of Gen. Marion's aides-de-camp. His grandfather, Joseph Brevard Kershaw, served his State brilliantly in many capacities. He was a lieutenant in the Palmetto regiment in the Mexican war, attained the grade of major general in the Confederate States

(Continued on Editorial Page.)

Supreme Court Upholds Judge Webb In Case of Interurban vs. H'ville L. & P. Co.

Supreme Court Reverses Former Decision as to Facts That Have Been Heard. Interesting Case.

(By W. T. Bost in Greensboro News.) Raleigh, March 2.—Chief Justice Walter Clark on a judicial high horse today sharply dissents from the Supreme court's decision upholding Judge Webb in the famous Blue Ridge Interurban railway against the Hendersonville Light and Power company and Justice W. R. Allen sharply cautions him down.

The court reverses itself only in its attitude toward the facts which have been heard. The issues are interesting and involve the ownership of a stream which the Blue Ridge Interurban condemned in an effort to gain control of the water power. The law permits condemnation by an interurban railway, but not by a resident water company. The interurban and the Hendersonville company claimed different interests. The interurban, according to the evidence offered the light and power company \$1,000 for its interests and the local company testified that it offered \$40,000 to the interurban for its half interest.

The case went to trial and Judge Webb charged the jury that there was no evidence that the local company could develop the enterprise and submitted the sole issue of damages. The local company had said that it had a method of using half the stream to be deflected in a certain direction upon its own property. The court held that this was unlawful and therefore the issue of fact was not tried.

Originally about five opinions were written. Three, Justices Brown, Hoke and Chief Justice Clark held against Judge Webb, their opinion being based upon the mixed nature of fact and law. Justices Walker and Allen dissented. The interurban received a rehearing and today won when Judge Brown concluded that there was no evidence upon which to go to the jury. The law remains and each retains his view of the legality.

The case has more history than this. When Chief Justice Clark wrote his original opinion he likened the conduct of the big company to that celebrated interview of Nathan and David, in which Nathan handed the man after God's own heart about as warm a report as David has heard. "Thou art the man," Judge Clark said, likening the conduct of the interurban in its desire to gain the water power to David's stealing Uriah's wife, and David's social faux pas to the rich man's theft of the poor man's ewe lamb.

The historian of those events has it that Charley Tillett, from Charlotte, representing the interurban, came down here and told Judge Clark a few things, one of which was that what the judge said was not true. Judge Clark raked the Duke then and does so again today. He revised his old opinion and left out "Thou art the man." He inserts it today and prints the whole parable, minus the direct words of Nathan.

The chief justice narrates the story of Frederick the Great, who, taking all the lands about for a little lark, balked when a miller refused to sell. To those who advised the confiscation of the property, the great and arbitrary Prussian said: "Let the miller keep his mill that it may be known there is a law in Prussia." The rustic mill still stands at Potsdam.

No Evidence, But—Justice Allen gets right after Judge Clark whether intentionally or not. I have carefully examined the record in this appeal several times," he says, "and I do not find a line in it which

would warrant the charge that the plaintiff is a trust or that it is owned by the Southern Power company or by the Dukes, but if these facts appeared, they would not justify us in denying to it the recognition of its property rights."

The shyness of evidence that the Dukes own this waterpower has been apparent to everybody who read Judge Clark's opinion originally, and that shyness is increased by the turn of things. Judge Clark calls names though. "It appears that both the president, the secretary and the treasurer of the plaintiff company are directors in the Northern and Piedmont R. R. company, which the latter in his testimony states is known as the 'Duke Road.' It is common knowledge that the Southern Power company, one of the companies reported by the government as engrossing the water power of this state, is controlled by the same interests."

The fact that the court disagrees as to facts can be accounted for in the different views as to the "Duke Road." Judge Allen cites the evidence which John A. Law gave, Mr. Law declaring that the same interests own the controlling stock in the Piedmont and Northern and the Southern Power. He had heard that road called the Dukes Road.

"If, however, the plaintiff is a trust," Judge Allen continues, "the fact is with the general assembly which granted to it its charter and from which it derives all its powers. It is not claimed that these powers have been exceeded, and if this can be shown it ought to be pointed out in order that the state may take steps to have the charter forfeited."

Judge Allen then argues that the sole question is one of condemnation and the right to go to the jury. He declares that the only evidence tending to show the possibility of development by the local company was its testimony that it could run a dam to the middle of the stream and deflecting the current, half of it could use it. Judge Allen cites Angell on water courses, section 100, showing that wherever a water course divides on two estates, the riparian owners of neither without the consent of the other interest, if it were otherwise litigation would be endless.

Is Also Classical. Judge Allen also is classical. After declaring that the general assembly and not the courts have made the distinction between the powers and rights granted to the plaintiffs and defendants the plaintiffs being the interurban and the defendants the Hendersonville company, the supreme court must obey, "not thwart its will."

"It would seem," Judge Allen says in conclusion, "that the defendant who is represented as a 'poor man' with 'one little ewe lamb' (one-half of a water power on one side of a stream) ought to be grateful that it saved the payment of \$40,000 for another 'little ewe lamb' (one-half of the stream on the opposite side) of the same size and weight and kindred, which the jury has found was only worth \$10,000."

"It will be remembered that Nathan was dealing in a figure of speech when he was talking to David and that David's anger was greatly kindled against the rich man and that Nathan said to David 'Thou art the man.'"

Judge Allen does not enlighten either the court or the world on what he thinks Judge Clark was "dealing."

The "Build Now" Movement Is Growing In Marked Reality in Hendersonville

Many New Houses Contemplated, Local Concerns Advertising for Business Through Hustler Columns.

While there is never a month in the year that some building is not in progress in Hendersonville, still the spring months have become known as those best adapted to this sort of work. At this season building activities increase greatly, and better work is done, it is said by those in a position to know.

There are abundant signs on every hand in local circles that this spring will see more than the usual amount of new buildings, and improvements made to existing buildings. The increased demand for residences and apartments is being met with a steady supply of suitable homes. These new residences are not being built exclusively in any one part of the city but are to be found widely scattered in different sections of the incorporated limits. Many of them are handsome buildings that will meet every modern requirement, and will be a credit to the city when completed.

Besides residences there has been considerable activity recently in the

business section of Hendersonville. If certain projects are carried out on schedule, citizens will witness large building plans put into execution before the summer season is here.

The lumber and supply dealers as well as the hardware dealers are anticipating a good building season, and look for it to open up at once. Material is always carried on hand to supply the increased spring orders, and vexatious delays are prevented.

The "Build Now" fever gets every section of the country about this time each year, and it is expected that Hendersonville will suffer an acute attack. The following is a partial list of buildings that have recently been completed, are in progress of erection, or are about to be built in and about Hendersonville:

The "Build Now" spirit seems to be materializing fast in Hendersonville. There are quite a number of new houses contemplating within the next few weeks. As was announced in last

(Continued on Editorial Page.)

SUGGESTS A DEM. TICKET

LOCAL POLITICIANS HAVE NAMED
A WINNER, THEY THINK.

POLITICS BOILING

Candidates Will Announce Themselves
Soon for Office.

Henderson county Democratic politics are simmering down to a point where there is something going to happen before long. Hearsays and curb confidential talks have about gone their limits, as a well known local politician expressed it several days ago, and things point to the putting into the field of one of the strongest county tickets every matched against the "Rads," as "Bob" Oates calls them.

That a number of prospective candidates have been spoken of for many of the county offices goes without saying. The reporter has heard quite a number of good men mentioned for county offices.

One of the most recent tickets picked for a winner is said to have been chosen in a gathering of a few well known Democrats, and it is intimated that if the right support is shown them several of these gentlemen will take the matter serious. They are every one loyal Democrats.

For Legislature—Carroll P. Rogers, of East Flat Rock, who has been a good party worker for many years. It is said that he will accept the nomination.

For Sheriff—E. Josh Rhodes, formerly of Balfour, now of Hendersonville. "Josh" came near getting the nomination four years ago.

For Tax Collector—J. W. McCarron, of Hendersonville, the present city tax collector. It is said that he has collected more taxes for Hendersonville than any of his predecessors. McCarron came very near being a Democratic sheriff here four years ago.

For Register of Deeds—A. G. Thompson is a thoroughly capable man for the office and has scores of friends throughout the county in both parties.

For County Commissioners—W. F. Edwards, of Hendersonville, J. Pres. Fletcher, of Fletcher and R. K. Stepp of Flat Rock. These gentlemen need no introduction to the voters of Henderson county.

For Coroner—Dr. J. S. Brown, of Flat Rock and Hendersonville. Dr. Brown is a friend of the farmer and has a large country practice.

For County Surveyor—Sam J. Justice, of Hendersonville. Mr. Justice will make good in any office.

Nominations will soon be in order. This ticket has been suggested only and no doubt will be changed considerably before the primary, June 3.

LOCAL COMPANY PASS INSPECTION

Captain Grieg and Col. Stringfield Find
Sixth Company in Excellent Shape.

Captain A. Grieg, U. S. A., and Col. Thomas Stringfield of the State militia inspected the 6th company Coast artillery at the armory last Friday night. Fifty out of the entire sixty-five members of the company were present including all the officers. The inspecting officers put the company through all the tests and drills and it is said that the local boys will receive a very high mark.

During the afternoon an inspection of the government property was made. The property included many thousands of dollars worth of very valuable instruments and arms. There is considerable more learning necessary for a member of an artillery than to be a member of an infantry company. The artillery men are required to know all the drills of the infantry and in addition to know how to man the big mortars and siege guns of the coast forts and defense works.

The officers of the local company are required to stand a series of three very rigid examinations before they are commissioned. It is said to take constant studying on the part of the officers on account of new rulings being made from time to time by the army department in the improvements of the system.

NEW MERCHANT PLEASED WITH BUSINESS SO FAR

J. D. Duff Finds Business Better Than
Expected; Is Receiving New
Goods Every Day.

Hendersonville's newest merchant, J. D. Duff, who just recently opened up a dry goods and ready to wear store on Main street, states that he is highly pleased with the reception shown him since coming to Hendersonville.

He is a little disappointed that his entire line did not arrive sooner, so that he could have held a formal opening; but notwithstanding this he says that business is good in Hendersonville. Mr. Duff is an experienced merchant coming here from Clover, S. C.

PROGRAM IS ANNOUNCED

SCHOOL OFFICIALS HAVE PREPARED
VERY INTERESTING EXERCISE FOR MAY 5, 6.

MANY PRIZES OFFERED

List of Givers of Prizes; Over 2500
School Children Expected to
Parade Streets.

The second annual County School Commencement of Henderson County will be held on Friday and Saturday the 5th and 6th of May 1916. The following program has been arranged:

Friday May 5th at 3:30 p. m. the seventh grade declamation and recitation contest will take place in the court house in Hendersonville. Two \$5.00 gold medals are offered in this contest. The night program will be interspersed with music furnished by three male quartets: Hendersonville, Tuxedo, and Pleasant Hill. At the close of the night session four medals will be awarded.

Saturday May 6th at 10:30 a. m. the schools will assemble near the monument, entering the parade according to enrollment. The school having the largest per cent of district census in the parade will receive a \$10.00 prize. The parade will march down Main street and Seventh avenue to the depot, returning to the court house where an address will be heard. The field and track meets